IN RE: PETITION FOR SPECIAL HEARING
N/S Mt. Carmel Road, 1000 ft. W
of c/l York Road
108 Mt. Carmel Road
7th Election District
3rd Councilmanic District
Robert Applebaum, D.D.S.

Petitioner

\* BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

\* Case No. 99-45-SPH

\* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 108 Mt. Carmel Road in Hereford. The Petition was filed by Robert Applebaum, D.D.S., property owner. Special Hearing relief is requested to approve an extension of time to utilize the special exception granted in case No. 97-60-XA for a dental office, pursuant to Section 259.3.B.2 of the Baltimore County Zoning Regulations (BCZR). Specifically, the Petitioner requests an extension of three years (for a total of five years) to permit the dental office use to commence on the site by September 19, 2001. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was Robert Applebaum, D.D.S., Petitioner. He was represented by Robert A. Hoffman, Esquire and Patricia Malone, Esquire. There were no Protestants or other interested persons present.

As noted above, the subject site is located in Hereford, not far from the junction of the Harrisburg Expressway (I-83) and Mt. Carmel Road. The property bears the address 108 Mt. Carmel Road, is zoned R.C.5/CR and is .497 acres in area. The property is improved with an existing building which was previously used as a dwelling. Dr. Applebaum acquired the property approximately around the time that previous special exception relief was granted in case No. 97-60-XA; i.e., September 19, 1996. Since

that time, he has leased the property for residential purposes.

In the prior case, special exception relief was granted to approve a dental office at the subject site. At that time, it was envisioned that Dr. Applebaum would immediately relocate his practice to this property. Due to a series of delays occasioned by his present office lease arrangements, the relocation has not, as yet, occurred. However, it is envisioned that Dr. Applebaum will soon relocate his dental practice to this site. In view of the delay, special hearing relief is requested in the instant case to allow an extension of up to five years to use the special exception, as permitted in Section 502.3 of the BCZR. All terms and conditions of the previous relief, as well as the previous site plan, are incorporated herein.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Special Hearing. In my judgment, there has been no change in circumstances since the time the prior special exception was granted which would warrant a denial of the Petition. This remains an appropriate location for the proposed dental office.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 12 day of September 1998 that, pursuant to the Petition for Special Hearing, approval for an extension of a special exception previously granted in case No. 97-60-XA for a dental office, pursuant to Section 259.3.B.2 of the BCZR, be and is hereby GRANTED, subject to the following restrictions:

- 2-

<sup>1.</sup> The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason,

this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The special exception relief previously granted must be utilized no later than September 19, 2001, or same will be forfeited.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn

MAN A MANAGEMINA



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

September 15, 1998

Robert A. Hoffman, Esquire Patricia Malone, Esquire Venable, Baetjer and Howard, LLP 210 Allegheny Avenue Towson, Maryland 21204

RE: Petition for Special Hearing

الرابي المرابع المعرب والمرابع المرابع والمرابع المرابع المرابع المرابع والمستعمد المرابع والمدوات

Case No. 99-45-SPH

Property: 108 Mt. Carmel Road Petitioner: Robert Applebaum, DDS

Dear Mr. Hoffman and Ms. Malone:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn encl.



Zoning Regulations for an additional five years.

# Petition for Special Hearing

# to the Zoning Commissioner of Baltimore County

for the property located at

108 Mt. Carmel Road

which is presently zoned RC-5/CR

-45-SPH

This Petition shall be filed with the Department of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the extension of the special exception granted in Case No. 97-60-XA for a professional office under Section 259.3.B.2 of the Baltimore County

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Robert Applebaum, D.D.S (Type or Print Name) (Type or Print Signature Signature Address (Type or Print N City Zipcode Signature P.O. Box 366 (410) 329-2118 Address Phone No. Attorney for Petitioner: Robert A. Hoffman Monkton 21111 Venable, Baetjer and Howard, LLP City Zincode Name, Address and phone number of legal lowner, contract purchaser or representati to be contacted. Robert A. Hoffman Venable, Baetjer and Howard, LLP Name 210 Allegheny Ave. (410) 494-6200 (410) 494-6200 210 Allegheny Ave, Towson, MD 21204 Address Phone No Phone No. Towson MD 21204 OFFICE USE ONLY **ESTIMATED LENGTH OF HEARING** unavailable for Hearing the following dates **Next Two Months** At L OTHER 7/27/98



ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS



#### ZONING DESCRIPTION

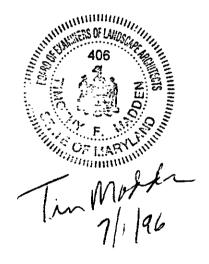
#### FOR

#### THE PROPOSED CONVERSION TO DENTAL OFFICE AT 108 MT. CARMEL ROAD

Beginning at a point on east side of Mt. Carmel Road which is forty (40) feet wide at the distance of one thousand (1,000) feet west of the centerline of York Road (MD.Route 45) which is sixty-six (66) feet wide. Thence, following the following courses:

North 02° 52' 30" E. 19.7 ft., N.02° 52' 30" E. 210.3 ft., N. 82° 50' 00" W. 95ft., S.02° 52' 30" W. 210.3 ft., S. 02° 52' 30" W. 19.7 ft., S. 82° 50' 00" E. 95 ft. to the point of the beginning as recorded in Deed Liber 6208, Folio 46.

RDC\mrs\a\10313\zondescr\6-10-96



99-45-5PH

**BALTIMORE COUNTY, MARY** ID No. 055921 OFFICE OF BUDGET & FINANCE **MISCELLANEOUS RECEIPT** MIES 刊业 7/29/1998 7/29/1998 11:34:54 7/27/98 REI USOS CASHIER LSAI LXS DRAKER 001-6150 ACCOUNT\_ 5 Hibrellandis Cagh Receipt Receipt # 067272 TH AMOUNT \$250.00 (WCR) CR NO. 055921 250.00 CHECK RECEIVED Robert Applebaum, DDS Baltimore County: Waryland FROM: SPECIAL HEARING - \$250.00 Item #45 FOR: 108 Mt. Carmel Road Drop - Off - No Review Case #99-45-SPH DISTRIBUTION WHITE - CASHIER PINK - AGENCY **CASHIER'S VALIDATION** YELLOW - CUSTOMER

#### ... KOTICE OF ZONING S STEARING TO

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulaon the Zoming Atta and heighta-tions of Baltimore County will hold a public hearing in <u>Tow-</u> <u>son, Maryland</u> on the properly identified herein as follows:

Case: #99-45-SPH 108 Mt. Carmel Road N/S Mt. Carmel Road, 1000 W of centerline York Road 7th Election District 3rd Councilmanic District

Legat Owner(s):
Robert Applebaum, DDS
Special Hearing: to approve
the extension of the special exception granted in case num-ber 97-60-XA for a professional office for an addiprofessional unice for an additional five years. Hearing: Monday, September 14, 1998 at 11:00 a.m., in Room 407, County Courts Bidg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

LAWRENCE: SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES. (1) Hearings are
Handicapped Accessible; forspecial accommodations
Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing,
Please Call (410) 887-3391.

8/397 Aug. 27 c253939

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 82, 1998
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of successive
weeks, the first publication appearing on $827$ , 1998.

THE JEFFERSONIAN.

LEGAL AD. - TOWSON

## TIFICATE OF POSTING

RE. Case No.: 99-45 SPH

Petitioner/Developer: DR APPLEBAOM.

% ROBERT HOPFMAN

Date of Hearing/Closing: 9/14/98

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 108 MT, CARNEL PD-The sign(s) were posted on

Sincerely,

(Signature of Sign Poster

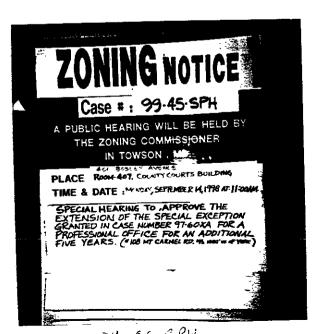
PATRICK M. O'KEEFE (Printed Name)

523 PENNY LANE

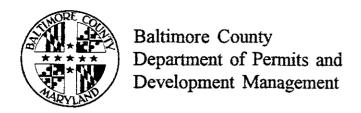
(Address)

HUNT VALLEY, MD. 21030 (City, State, Zip Code)

410-666-5366; CELL-410-905-8571 (Telephone Number)



14-45 SPH 108 WM. CARMEL RD 9/14/98 DR. APPLEDAUM



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

July 28, 1998

Robert A. Hoffman, Esquire Venable, Baetjer and Howard 210 Allegheny Avenue Towson, MD 21204

> RE: Drop-Off Petitions Case No. 99-44-SPHA 10300 Mill Run Circle Case No. 99-45-SPH 108 Mt. Carmel Road

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petitions were accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

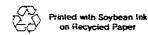
If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr. Zoning Supervisor Zoning Review

WCR:scj

**Enclosures** 



Request for Zoning: Variance, Special Exception, or Special Hearing
Date to be Posted: Anytime before but no later than
Format for Sign Printing, Black Letters on White Background:

# **ZONING NOTICE**

Case No.: 99-45-5PH

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE:
DATE AND TIME:
REQUEST: SPECIAL HEARING TO APPROVE THE
EXTENSION OF THE SPECIAL EXCEPTION
GRANTED IN CASE NO 97-60-XA FOR A
PROFESSIONAL OFFICE FOR AN ADDITIONAL
FIVE YEARS.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY

August 27, 1998 Issue - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esquire Venable, Baetjer & Howard 210 Allegheny Avenue Towson, MD 21204 410-494-6200

#### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-45-SPH

108 Mt. Carmel Road

N/S Mt. Carmel Road, 1000' W of centerline York Road

7th Election District - 3rd Councilmanic District

Legal Owner: Robert Applebaum, DDS

<u>Special Hearing</u> to approve the extension of the special exception granted in case number 97-60-XA for a professional office for an additional five years.

HEARING:

Monday, September 14, 1998 at 11:00 a.m. in Room 407, County Courts

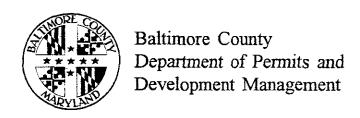
Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

August 10, 1998

#### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-45-SPH

108 Mt. Carmel Road

N/S Mt. Carmel Road, 1000' W of centerline York Road

7th Election District - 3rd Councilmanic District

Legal Owner: Robert Applebaum, DDS

<u>Special Hearing</u> to approve the extension of the special exception granted in case number 97-60-XA for a professional office for an additional five years.

HEARING:

Monday, September 14, 1998 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

Director

c: Robert A. Hoffman, Esquire Robert Applebaum, DDS

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 30, 1998.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

RE: PETT	RE: PETITION FOR SPECIAL HEARING					*		BEFORE THE			
108 Mt. Carmel Road, N/S Mt. Carmel Rd, 1000' W of c/I York Rd, 7th Election District, 3rd					'W	*		ZONING COMMISSIONER			
	Councilmanic					*		FOR			
Legal Owners: Robert Applebaum, D.D.S.  Petitioner(s)						*		BALTIMORE COUNTY			
						*		Case Number: 99-45-SPH			
. *	shr		*			*	sk-	ale	*	-b-	4

#### **ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

ole S. Demilio

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this \_\_\_\_\_ day of August, 1998, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21204, attorney for Petitioner(s).

PETER MAX ZIMMERMAN

Due Date:

TO:

Arnold Jablon

FROM:

R. Bruce Seeley Ansi/

SUBJECT:

Zoning Item #45

### Robert Applebaum - 108 Mt. Carmel Road

		Zoning Advisory Committee Meeting of 8/10/98					
	The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.						
<u> </u>	The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.						
X		epartment of Environmental Protection and Resource Management offers lowing comments on the above-referenced zoning item:					
	<b></b>	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).					
		Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).					
		Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).					
	_X_	GWM: The well and septic system must be evaluated prior to changes of occupancy water usage data must be submitted to GWM					

Jeg/14

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

**DATE**: August 13, 1998

Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

**SUBJECT**: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 45

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3480.

Section Chief: Jeffry W- Z

AFK/JL

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: August 18, 1998

Department of Permits & Development

Management

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

for August 17, 1998

Item Nos. 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054

Revised Plats for Reclassification

Case #CR-98-367-A

(7218 Windsor Mill Road)

Revised Petition; Environmental Impact Statement, Description, and

Plats for Reclassification

Case #R-97-465

(1856 Reisterstown Road)

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

AUG. 12, 1998

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUG. 10, 1998.

Item No.: SEE BELOW Zoning Agenda:

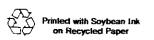
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 044, 045, 047, 048, 049, 050, 051 AND 053.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102Fg



cc: File



Parris N. Glendening Governor David L. Winstead Secretary Parker F. Williams Administrator

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County 8. 12.9 V
Item No. 045 WCR RE:

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

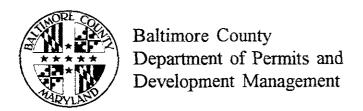
Very truly yours,

for Ronald Burns, Chief

**Engineering Access Permits** 

Division

LG



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

August 31, 1998

Robert A. Hoffman, Esquire Venable, Baetjer and Howard, LLP 210 Allegheny Avenue Towson, MD 21204

Dear Mr. Hoffman:

RE: Drop-Off Petition Review (Item #45), 108 Mt. Carmel Road, 7th Election District

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

John J. Sullivan, Jr.

luft I.

Planner II

Zoning Review

JJS:rye

Enclosure (receipt)

c: Zoning Commissioner

In applicaum-Sentistry-Cose into add office.

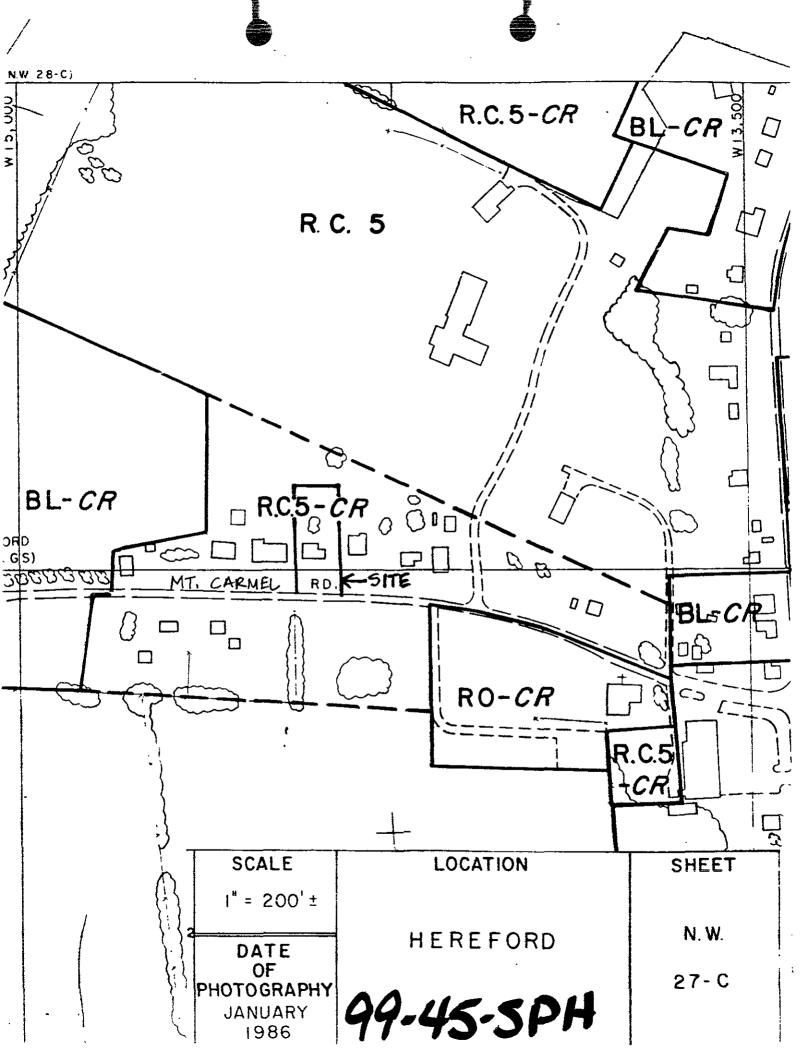
- Cinent

Popum

6d old

#### PETITIONER(S) SIGN-IN SHEET

ADDRESS
210 Allegheng Are 2120
$q^{-t}$
P.O. 366 Monkton 211
\$



210.3 R.O.W. CA RMEL ROAD (POB. ront 15 Feet ide: 15 Feet lear: 15 Feet NOTES Dr. Robert Appelbaum, D.D. P.O. Box 366 Monkton, Maryland 21111 Ph. (410) 329-2118 3,600 s.f. 4/-252 s.f. (7%) 283 s.f. (7.9%) 252 SF. 260 SF. 21,649 x 0.20 = 4,330 sf permitted 1,980 sf proposed MORRIS ENGINEERS, PL PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING MEADOWS 108 Mt. Carmel Road
Dr. Robert Appelbaum, DDS A M To be seen to say the say of Prifficer to herely make mean that ing at this the is at its one wisk waili as the NO day appliance process from the appliance. If, for shatower present the present, the Prifficers would be to present, the Prifficers would be to present, we be disjoint. IS & RITCHIE ASSOCIATES, INC.
PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
110 West Road, Suite 245
Towson, Maryland 21204
(410) 821-1690
Fax: (410) 821-1748 Symbour VICINITY MAP SCALE: 1"=1000" Dry Shirt HEREFORD

